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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,220	12/30/1999	KELLY S. FRENCH	99-1259	6082
30408	7590	01/14/2004	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049			TRAN, TRANG U	
			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED: 01/14/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,220

Applicant(s)

FRENCH, KELLY S.

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-15,17-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-15,17-22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12. 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on October 21, 2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-9, 11-15, 17-18, 20-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipate by Yoshikazu Nishimura et al (EP Publication No. 0 516 378 A1).

In consider claim 1, Yoshikazu Nishimura et al discloses all the claimed subject matter, note 1) the claimed a signal processor for receiving a signal to be processed is met by the camera 1 which comprises a camera body 11, a camera side radio adapter 12, a very high frequency (VHF) receiver 13 and a microwave transmitter 14 for

transmitting the camera output to the CCU 41 (Fig. 1, col. 3, line 26 to col. 4, line 38), 2) the claimed an information handling system for receiving an output signal provided by said signal processor, the output signal being representative of at least a portion of the input signal, wherein said information handling system provides a control signal to said signal processor and said signal processor encodes data onto the output signal in response to the control signal such that the encoded data is decodable by said information handling system is met by the camera control unit (CCU) 41 which comprises a base unit 21, a VHF transmitter 23, and a microwave receiver 24 that receives signals sent from the microwave transmitter 14 of the video camera 1 (Figs. 1 and 2, col. 3, line 26 to col. 6, line 24), and 3) the claimed wherein the output signal provided by said signal processor is a video signal, and the data is encoded onto a vertical blanking interval of the output signal is met by the control signal multiplexer 17 of the camera side radio adapter 12 which multiplexes the status signal into, for example, vertical blanking periods of the video signal VBS and fed to the microwave transmitter 14 for modulation into a microwave signal (Fig. 1, col. 4, lines 14-38).

In consider claim 2, the claimed said signal processor including a data encoder for encoding the data onto the output signal, and said information handling system having a data decoder for decoding the data from the output signal received from said signal processor is met by the microwave transmitter 14 of the camera side radio adapter 12 for modulation into a microwave signal and the microwave receiver 24 of the CCU 41 receives the signal, demodulates it, and supplies the demodulated signal to the base unit 21 (Fig. 1, col. 4, lines 14-38).

In consider claim 3, the claimed said information handling system having a transmitter for transmitting the control signal to said signal processor, and said signal processor having a receiver and decoder for receiving and decoding the control signal received from said information handling system is met by the VHF transmitter 23 of the CCU which is transmitting the command signal to the video camera 1 and the VHF receiver 13 of the video camera 1 receives and demodulates the output from the VHF transmitter 23 (Fig. 1, col. 3, line 37 to col. 4, line 38).

In consider claim 4, the claimed said information handling system being capable of reproducing the output signal received from said signal processor is met by the camera control unit (CCU) 41 which comprises a base unit 21, a VHF transmitter 23, and a microwave receiver 24 that receives signals sent from the microwave transmitter 14 of the video camera 1 (Figs. 1 and 2, col. 3, line 26 to col. 6, line 24).

In consider claim 5, the claimed the signal to be processed and the output signal provided by said signal processor being video signals is met by the control signal multiplexer 17 of the camera side radio adapter 12 which multiplexes the status signal into, for example, vertical blanking periods of the video signal VBS and fed to the microwave transmitter 14 for modulation into a microwave signal (Fig. 1, col. 4, lines 14-38).

In consider claim 7, the claimed the output signal provided by said signal processor being an NTSC compliant video signal is met by col. 5, line 47 to col. 7, line 47.

In consider claim 8, the claimed the output signal provided by said signal processor being an NTSC compliant video signal, the data being encoded onto the vertical blanking interval of the NTSC compliant video signal in compliance with an Electronic Industry Association standard is met by col. 5, line 47 to col. 7, line 47.

In consider claim 9, the claimed the control signal being a wireless signal is met by the radio channel or microwave channel (Figs. 1 and 5, col. 8, lines 14-53).

Claim 11 is rejected for the same reason as discussed in claims 1 and 3.

In consider claim 12, the claimed the data being indicative of a status of execution of the control signal is met by the control signal multiplexer 17 of the camera side radio adapter 12 which multiplexes the status signal into, for example, vertical blanking periods of the video signal VBS and fed to the microwave transmitter 14 for modulation into a microwave signal (Fig. 1, col. 4, lines 14-38 and col. 8, lines 25-38).

In consider claim 13, the claimed the data being indicative of a status of said processing means is met by the control signal multiplexer 17 of the camera side radio adapter 12 which multiplexes the status signal into, for example, vertical blanking periods of the video signal VBS and fed to the microwave transmitter 14 for modulation into a microwave signal (Fig. 1, col. 4, lines 14-38 and col. 8, lines 25-38).

In consider claim 14, the claimed said processing means including means for storing at least a portion of the received signal to an information storage medium and for reproducing at least a portion of the stored signal as the output signal is met by the memory 32 (Fig. 2, col. 4, line 57 to col. 5, line 46).

Claim 15 is rejected for the same reason as discussed in claim 1.

Claim 17 is rejected for the same reason as discussed in claim 2.

Claim 18 is rejected for the same reason as discussed in claim 13.

Claim 20 is rejected for the same reason as discussed in claim 1.

Claim 21 is rejected for the same reason as discussed in claim 2.

Claim 22 is rejected for the same reason as discussed in claim 13.

Claim 24 is rejected for the same reason as discussed in claim 19.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikazu Nishimura et al (EP Publication No. 0 516 378 A1).

In consider claim 10, Yoshikazu Nishimura et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed said signal processor being an information storage media player. The capability of using the signal processor being an information storage media player is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known signal processor being an information storage media player into Yoshikazu Nishimura et al's system in order to increase flexibility of the system by adding different video sources.

In consider claim 19, Yoshikazu Nishimura et al disclose all the limitations of the instant invention as discussed in claims 1 and 15 above, except for providing the claimed further comprising the steps of determining that the available vertical blanking interval is not available during a predetermined time after decoding the control signal and interleaving the data in a previously existing data packet. The capability of determining that the available vertical blanking interval is not available during a predetermined time after decoding the control signal and interleaving the data in a previously existing data packet is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known of determining that the available vertical blanking interval is not available during a predetermined time after decoding the control signal and interleaving the data in a previously existing data packet into Yoshikazu Nishimura et al's system in order to ensure that the data is accurately inserted in the vertical blanking interval.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

BOX AF

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT
January 9, 2004


MICHAEL H. LEE
PRIMARY EXAMINER